

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LESLIE C. WASHINGTON,

Plaintiff,

v.

Case Number 04-10352

Honorable David M. Lawson

Magistrate Judge Charles E. Binder

BROWNSTOWN POLICE DEPARTMENT
CHIEF JOHN DOE, BROWNSTOWN POLICE
OFFICERS JOHN DOE, CHIEF COMMANDER
ROBERT FICANNO, LIEUTENANT LANGA,
MRS. A. DANIELKEVICH, MRS. PARKS,
MRS. MILES, SERGEANT BURKS, SERGEANT
DARWISH, SERGEANT HOPKINS, SERGEANT
JOHNSON, SERGEANT O'CONNOR, SERGEANT
PRUITT, SERGEANT STINGLE, MRS. BURKS, MRS.
CHUBBS, MRS. COLEMEN, MRS. DICKENS,
MRS. FIELDS, MRS. FORESIGHT, MRS. FULLER,
MRS. HARDWICK, MRS. JOHNSON, MRS. JONES,
MRS. KENDALL, MRS. KINDRO, MRS. MEARS,
MRS. MORROW, MRS. O'BANNON, MRS. RIDAUX,
MARSHAL ROBERT GRUBBS, UNITED STATES
MARSHALS JOHN DOE, DAVID SHEPARDSON,
JOHN DOE DIRECTOR DETROIT PRESS NEWSPAPER,
TERRY BOOTH, JOHN DOE INVESTIGATORS
FEDERAL BUREAU OF INVESTIGATIONS, MR.
LEMISCH ASSISTANT UNITED STATES ATTORNEY,
WARDEN JENNIE VANBUREN, KIRK DERRICK,
MRS. STEWART, DIRECTOR OF PROPERTY
DEPARTMENT F.C.I. DANBURY, MRS. S. BAGNE,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DISMISSING COMPLAINT IN PART**

Presently before the Court is the report issued on May 29, 2007 by Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. § 636(b), recommending that this Court dismiss *sua sponte* a portion of the plaintiff's complaint for failure to state a claim. Although the magistrate judge's report

explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 32] is **ADOPTED**.

It is further **ORDERED** that the complaint is **DISMISSED IN PART**. The plaintiff may not proceed on the civil rights violations alleged in paragraphs 44 through 70 of the complaint, and the complaint shall be served on defendants Chubbs, Mears, Kindro, Coleman, Shepardson, Booth, Lemish, Van Buren, Bagne, sergeant Johnson, deputy Johnson, and Jane Doe only.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 6, 2007

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 6, 2007.

s/Felicia M. Moses
FELICIA M. MOSES